

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KAREN GORDON,

Plaintiff,

DECISION AND ORDER  
TO STAY

07-CV-6577L

v.

MERCK & CO., INC.,  
et al.,

Defendants.

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KATHLEEN LAPP,

Plaintiff,

07-CV-6578L

v.

MERCK & CO., INC.,  
et al.,

Defendants.

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MARIE ZIKA,

Plaintiff,

07-CV-6579L

v.

MERCK & CO., INC.,  
et al.,

Defendants.

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FRANCES AGNELLO,

Plaintiff,

v.

07-CV-6580L

MERCK & CO., INC.,  
et al.,

Defendants.

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BEVERLY EUBANKS,

Plaintiff,

v.

07-CV-6581L

MERCK & CO., INC.,  
et al.,

Defendants.

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JOANN EFTHEMIS,

Plaintiff,

v.

07-CV-6582L

MERCK & CO., INC.,  
et al.,

Defendants.

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On November 20, 2007, Merck removed each of these negligence and product liability actions from New York State Supreme Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

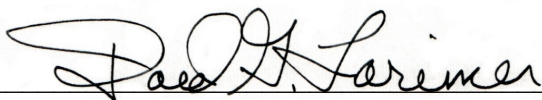
Shortly thereafter, Merck filed motions to stay the actions (Dkt. #5) pending the issuance of a conditional order by the Judicial Panel on Multidistrict Litigation (“JPML”) transferring each case

as a “tag-along” action to *In re Vioxx Marketing, Sales Practices and Products Liability Litigation*, MDL No. 1657, an MDL action that has been established in the Eastern District of Louisiana. On December 20, 2007, the JPML issued a conditional transfer order embracing each of the above cases. It is unknown whether one or more of the plaintiffs will pursue objections to that order with the JPML.

This Court has held in other cases concerning Vioxx that a stay was warranted in connection with transfer decisions by the JPML in order to conserve judicial resources, to avoid duplicative litigation, and to prevent hardship and inequity to Merck, and that a stay would not cause plaintiffs to suffer undue prejudice. *See e.g., Reid v. Merck & Co., Inc.*, No. 05-CV-6621L, slip op. (W.D.N.Y. Mar. 1, 2006); *North v. Merck & Co., Inc.*, No. 05-CV-6475L, 2005 WL 2921638 (W.D.N.Y. Nov. 4, 2005); *Krieger v. Merck & Co., Inc.*, No. 05-CV-6338L, 2005 WL 2921640 (W.D.N.Y. Nov. 4, 2005).

For these same reasons, Merck’s pending motions to stay (Dkt. #5) in each of the above-referenced cases is **GRANTED**.

IT IS SO ORDERED.

  
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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
January 8, 2008.